



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MRM
F. #2017R01349

*610 Federal Plaza
Central Islip, New York 11722*

September 17, 2019

By Hand and ECF

The Honorable Arthur D. Spatt
United States District Judge
Eastern District of New York
1020 Federal Plaza
Central Islip, New York 11722

Re: United States v. Daniel Mullan
Criminal No. 17-495 (ADS) (GRB)

Dear Judge Spatt:

The government submits this letter to advise the Court of a joint request of the parties in the above-captioned matter to issue the attached So Ordered Subpoena, which has been made returnable to the Court, to allow the Court to assess the defendant's medical status and his ability to appear in Court.

As the Court is aware, in the most recent status conference in the above-captioned matter held on Friday, September 13, 2019, the Court was advised that the defendant was unable to attend the court appearance and that the defendant is currently in Kingsbrook Hospital in Brooklyn, New York being evaluated for certain medical complaints the defendant raised while in custody at the MDC. At the status conference, the Court inquired if either of the parties had obtained the defendant's medical records to assist in determining his ability to come to court. At this point, neither the government nor defense counsel has obtained the records. Following the status conference, the government contacted defendant's counsel, Nancy L. Bartling, Esq. to discuss the attached subpoena. Ms. Bartling indicated that she does not have an objection to the Court issuing the attached subpoena to allow the parties access to the defendant's medical records for the purpose of determining his ability to attend court proceedings.

For the reasons set forth above, the government requests that the Court issue the attached subpoena, which has been made returnable to the Court.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/ Michael R. Maffei
Michael R. Maffei
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(631) 715-7890

cc: Nancy L. Bartling, Esq. (by email)
Counsel to the Defendant

Clerk of the Court (ADS) (by ECF w/o enclosure)